

Ministry
of
Education

Hon. Bette Stephenson, M.D., Minister
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A Guide to Bill 82

A Bill on Special Education

WHAT IS BILL 82?

Bill 82 is an Act that ensures that every exceptional pupil in the Province of Ontario receives an education suited to his or her needs and abilities.

WHY IS BILL 82 NEEDED?

The Education Act, 1974, contained only permissive legislation for Special Education. A school board could, if it wished, provide special education programs and special education services for its exceptional pupils. Although most boards provided some programs, Bill 82 removes the optional status of special education and makes it the definite responsibility of all school boards to provide special education programs for students.

WHAT DOES BILL 82 DO?

Bill 82 ensures:

- universal access of all Ontario school age pupils to a publicly supported education, regardless of the pupil's special needs;
- the provision of special education programs and special education services that meet the needs of exceptional pupils;
- involvement and participation of the parents or guardians of exceptional pupils in the assessment, identification and placement of such pupils, including the right to withhold permission for a particular placement and the right to require a review of the pupil's placement at any time.

WHAT IS "UNIVERSAL ACCESS"?

Universal access means that:

- the Bill provides that every child of school age must be enrolled in school upon presentation by the parent or guardian;

- effective September 1, 1985, public and separate school boards will be required to provide for the education of their trainable retarded pupils;
- effective September 1, 1985, the existence of an exceptionality no longer will be a justifiable reason for not receiving instruction from a school board;
- it is possible that, in a small number of cases, it could be found that a particular child is a "hard to serve pupil" who cannot profit from instruction. In these cases the school board will assist the parent or guardian to locate appropriate care or treatment services. An appeal mechanism is available where the parent or guardian disagrees.

WHAT IS MEANT BY THE "PROVISION OF SPECIAL EDUCATION PROGRAMS AND SPECIAL EDUCATION SERVICES FOR EXCEPTIONAL PUPILS"?

The following definitions are helpful in understanding the major terms used in the Bill for special education:

- exceptional pupil

"exceptional pupil" means a pupil whose behavioural, communicational, intellectual (including the intellectually gifted), physical or multiple exceptionailities are such that he or she is considered by a board committee to need placement in a special education program.

- special education program

"special education program" means an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil.

WHAT IS MEANT BY "INVOLVEMENT AND PARTICIPATION OF THE PARENTS OR GUARDIANS"?

The rights and responsibilities of the parents or guardians of exceptional pupils are protected by their:

- involvement in early identification procedures;
- providing informed consent for assessments and placements;
- requesting and participating in the review of the placement of the pupil;
- power to appeal the identification and placement of the pupil.

HOW CAN PARENTS OR GUARDIANS APPEAL DECISIONS CONCERNING THE IDENTIFICATION, PROGRAM AND PLACEMENT OF THEIR CHILD?

Bill 82 provides for appeal mechanisms whereby a parent or guardian may appeal the decision of the local board and its committee regarding identification, and placement. Should the parent or guardian find it necessary to appeal a decision affecting a student, an appeal can be made to a Special Education Tribunal established by the province.

For further information, contact a Ministry Regional Office:

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